

Remarks

The applicant has cancelled claims 29-33 without prejudice. Claims 1 and 5-23 are currently pending. In light of the foregoing amendments and the following remarks, the applicant respectfully request allowance of the pending claims.

A. Rejection of Claims 29-33

In section 5 of the Action, claims 29-33 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. This rejection is respectfully traversed, and the correctness of the rejection is not conceded.

Claims 29-33 are cancelled. Reconsideration and removal of the rejection are therefore requested.

B. Rejection of Claim 1

In section 7 of the Action, claim 1 stands rejected under 35 U.S.C. § 102(a) as being anticipated by Wallent, Michael, "Be More Dynamic," <http://msdn.microsoft.com/library/default.asp?URL=/library/us/dndude/html/dude061198.asp> (the "Wallent Article"). This rejection is respectfully traversed, and reconsideration is respectfully requested for the following reasons.

Attached at the Appendix hereto is a Declaration under 37 C.F.R. § 1.132 signed by the Applicant of the present application (Michael E. D. Winser). The Declaration establishes that the subject matter described in the Wallent Article is the Applicant's own work. As such, the Wallent Article does not constitute prior art under section 102(a) because the Wallent Article is not the work of another. MPEP 715.01(c) and 716.10.

Further, the Action identifies a publication date of June 11, 1998 for the Wallent Article. While the correctness of the publication date is not conceded, it is respectfully noted that the present application was filed on May 20, 1999. The filing date is less than one year from the publication date of the Wallent Article, and the Wallent Article therefore does not qualify as prior art under 35 U.S.C. § 102(b).

Consideration of the Declaration and allowance of claim 1 are requested.

C. Rejection of claims 19 and 23-25

In section 9 of the Action, claims 19 and 23-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Wallent Article in view of Harris et al., U.S. Patent No. 5,276,607. This rejection is respectfully traversed, and the correctness of the rejection is not conceded.

The Wallent Article does not constitute prior art in view of the attached Declaration and the remarks provided above. Harris fails to disclose or suggest the limitations previously relied upon in the Action from the Wallent Article. Reconsideration and allowance of claims 19 and 23-25 are therefore requested.

D. Rejection of claims 5-18, 20-22, and 26-33

In section 10 of the Action, claims 5-18, 20-22, and 26-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Wallent Article in view of Harris and Garman, U.S. Patent No. 5,926,822. This rejection is respectfully traversed, and the correctness of the rejection is not conceded.

Claims 26-33 are canceled.

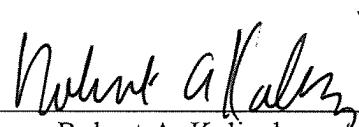
The Wallent Article does not constitute prior art in view of the attached Declaration and the remarks provided above. Neither Harris nor Garman discloses or suggests the limitations previously relied upon in the Action from the Wallent Article. Reconsideration and allowance of claims 5-18 and 20-22 are therefore requested.

Conclusion

In light of the foregoing amendments and remarks, the applicant submits that the claims are in condition for allowance and requests advancement of the application toward issuance. The applicant also notes that there may be other arguments in support of patentability of the claims and reserves the right to raise any such argument in the future. Please call the undersigned attorney if there are any questions.

Respectfully submitted,
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Date: Mar 13, 2006



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Attachment: Appendix

APPENDIX

Attached hereto is a Declaration under 37 C.F.R. § 1.132 signed by Michael E. D. Winser on March 9, 2006 (two pages).